



03-31-01 41

3762

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gust H. Bardy et al.

Confirmation No.: 2599

Serial No.: 09/940,599

Examiner: J. Jastrzab

Filing Date: August 27, 2001

Group Art Unit: 3762

Docket No.: 1201.1114101

Customer No.: 28075

For: CANISTER DESIGNS FOR IMPLANTABLE CARDIOVERTER-DEFIBRILLATORS

TRANSMITTAL SHEET

Mail Stop Non-Fee Response

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

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CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 315613498 US, in an envelope addressed to: Mail Stop Non-Fee Response, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 30th day of March 2004.

By

Kathleen L. Boekley

Kathleen L. Boekley

We are transmitting herewith the attached:

[]

Amendment

[]

No additional claim fee required

[]

The claim fee has been calculated as shown:

CLAIMS AS AMENDED							
	(3)	(4)	(5)	SMALL ENTITY		OTHER	
	REMAINING CLAIMS	HIGHEST PAID	EXTRA	RATE	ADD'L FEE	RATE	ADD'L FEE
TOTAL CLAIMS	-	=		X 9=	\$	X 18=	\$
INDEPENDENT CLAIMS	-	=		X 43=	\$	X 86=	\$
() FIRST MULTIPLE DEPENDENT CLAIM				+ 145 =	\$	+ 290 =	\$
TOTAL				\$		\$	

[] A check in the amount of \$_____ is enclosed. Itemization:

Fee Code _____ \$

Fee Code _____ \$

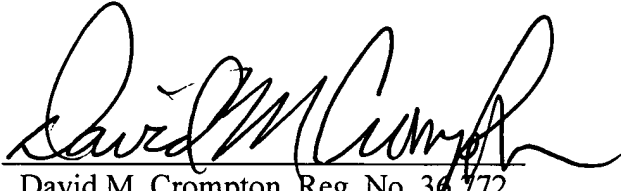
Fee Code _____ \$

[XX] Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established.

[XX] Other: Communication, Copy of Form PTO-1449 originally filed November 7, 2003, and 102 cited non-U.S. patent/publication references.

[XX] Return Receipt Postcard (MPEP 503).

[XXXX] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

By: 
David M. Crompton, Reg. No. 36,772

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Applicant: Gust H. Bardy et al. Confirmation No.: 2599
Serial No.: 09/940,599 Examiner: J. Jastrzab
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Docket No.: 1201.1114101 Customer No.: 28075
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COMMUNICATION

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By Kathleen L. Boekley
Kathleen L. Boekley

Sir:

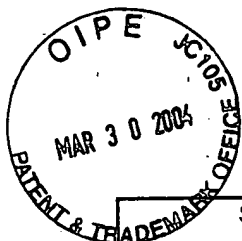
This paper is in response to the Office Action mailed March 3, 2004. A one-month period to comply with the notice regarding the Information Disclosure Statement was set. This Communication is filed within the one-month period for response.

Attached herewith is a copy of the Form PTO-1449 originally filed November 7, 2003 including 102 copies of non-U.S. patent/publication references in compliance with 37 CFR 1.98.

Date

3/30/04

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet: 1 of 10

Application Number: 09/940,599
Filing Date: August 27, 2001
First-Named Inventor: BARDY, Gust H
Group Art Unit: 3762
Examiner Name: JASTRZAB, Jeffrey P.
Attorney Docket No: 4441-0016

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US PATENT DOCUMENTS

TECHNOLOGY CENTER R3700

Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Relevance
*	A1	US- 09/663,606	09.18.2000	Bardy	Specification Page 1, Lines 6-8 (now US Patent 6,647,292 issued 11.11.2003)
*	A2	US- 09/663,607	09.18.2000	Bardy	Specification Page 1, Lines 9-11 (pending)
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Examiner
Signature:

Date
Considered:



Application Number: 09/940.599

Filing Date: August 27, 2001

First-Named Inventor: BARDY, Gust H

Group Art Unit: 3762

Examiner Name: JASTRZAB, Jeffrey R

Attorney Docket No: 4441-0016.

Sheet: 2 of 10

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**INFORMATION DISCLOSURE
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Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance
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Sheet: 4 of 10

Application Number: 09/940,599
Filing Date: August 27, 2001
First-Named Inventor: BARDY, Gust H
Group Art Unit: 3762
Examiner Name: JASTRZAB, Jeffrey R
Attorney Docket No: 4441-0016

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance
					IPER PCT/IB02/03453 IPER PCT/IB02/03488 IPER PCT/IB02/03484 IPER PCT/IB02/03467 IPER PCT/IB02/03442 Written Opinion PCT/IB02/03453 Written Opinion PCT/IB02/03453 Written Opinion PCT/IB02/03467 Written Opinion PCT/IB02/03469 Written Opinion PCT/IB02/03484 Written Opinion PCT/IB02/03488
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Sheet: 5 of 10

Application Number: 09/940,599
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Examiner Name: JASTRZAB, Jeffrey R
Attorney Docket No: 4441-0016

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Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance
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Examiner Initials	Cite No.	Document Number with kind code	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance	T ⁶
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STATEMENT BY APPLICANT**

Sheet: 6 of 10

Application Number: 09/940,599
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First-Named Inventor: BARDY, Gust H
Group Art Unit: 3762
Examiner Name: JASTRZAB, Jeffrey R
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Examiner Initials	Cite No.	Document Number with kind code	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance
	DZ	WO 02/22208 A3	03.21.2002	Cappato et al	ISR PCT/IB03/04546
	EA	WO 02/24275 A2	03.21.2002	Cappato et al	ISR PCT/IB03/04516
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OTHER PRIOR ART - - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²
	ED	International Search Report dated 03.26.2002, PCT/US01/29168 filed 09.14.2001, published as WO 02/22208 on 03.21.2002, "Subcutaneous Only Implantable Cardioverter Defibrillator & Optional Pacer", Inventors: Bardy et al	
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	EN	International Search Report dated 02.20.2003, PCT/IB02/03447 filed 08.27.2002; published as WO 03/018110 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Improved Installation Characteristics", Inventors: Bardy et al	
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Examiner
Signature:Date
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Sheet: 7 of 10

Application Number: 09/940,599
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First-Named Inventor: BARDY, Gust H
Group Art Unit: 3762
Examiner Name: JASTRZAB, Jeffrey R
Attorney Docket No: 4441-0016

OTHER PRIOR ART - - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²
	EP	International Search Report dated 02.20.2003, PCT/IB02/03501 filed 08.26.2002; published as WO 03/018112 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Low-Profile Installation Appendage and Method of Doing Same", Inventors: Bardy et al	
	EQ	International Search Report dated 02.20.2003, PCT/IB02/03502 filed 08.23.2002; published as WO 03/018127 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Insertion Tool", Inventors: Bardy et al	
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Application Number: 09/940,599

Filing Date: August 27, 2001

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

First-Named Inventor: BARDY, Gust H

Group Art Unit: 3762

Examiner Name: JASTRZAB, Jeffrey R

Attorney Docket No: 4441-0016

Sheet: 8 of 10

OTHER PRIOR ART - - NON PATENT LITERATURE DOCUMENTS

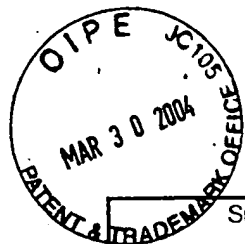
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²
	FG	International Preliminary Examination Report dated 11.20.2002; PCT/US01/29168 filed 09.14.2001, published as WO 02/22208 on 03.21.2002, "Subcutaneous Only Implantable Cardioverter Defibrillator & Optional Pacer", Inventors: BARDY et al;	
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	FM	International Preliminary Examination Report dated 09.02.2003, PCT/IB02/03469 filed 08.26.2002; published as WO 03/018124 on 03.06.2003, "Biphasic Waveform for a Subcutaneous Implantable Cardioverter-Defibrillator", Inventors: Bardy et al	
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Application Number: 09/940,599
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First-Named Inventor: BARDY, Gust H
Group Art Unit: 3762
Examiner Name: JASTRZAB, Jeffrey R
Attorney Docket No: 4441-0016

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet: 9 of 10

OTHER PRIOR ART - - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²
	FU	Written Opinion dated 09.10.2002, PCT/US01/29168 filed 09.14.2001, published as WO 02/22208 on 03.21.2002, "Subcutaneous Only Implantable Cardioverter Defibrillator & Optional Pacer", Inventors: Gust H BARDY et al	
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Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T ²
	GK	Archives of Internal Medicine (Specialized Journal of the AMA), Vol 127, Feb 1971, Letters to the Editor 317pp, "Standby Implanted Defibrillators", an editorial comment by JC SCHUDER PhD	
	GL	Journal of the American Medical Association (JAMA), Vol 213, 615-616pp, 1970, "Automatic Detection & Defibrillation of Lethal Arrhythmias--A New Concept", by MIRKOWSKI et al	
	GM	IEEE Transactions on Bio-Medical Engineering, Vol BME-18, No 6, Nov 1971, 410-415pp, "Trans thoracic Ventricular Defibrillation In The Dog With Truncated and Untruncated Exponential Stimuli", by JC SCHUDER PhD et al	
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	GO	PACE, Vol 16, Part I, Jan 1993, 95-124pp, "The Role Of An Engineering Oriented Medical Research Group In Developing Improved Methods & Devices For Achieving Ventricular Defibrillation: The University Of Missouri Experience", by JC SCHUDER PhD	
	GP	Journal of Cardiovascular Electrophysiology, Vol 12, No 3, March 2001, 356-360pp, Copyright 2001, by Future Publishing Company Inc, Armonk-NY 1050-0418, "Nonthoracotomy Implantable Cardioverter Defibrillator Placement In Children", by Rainer GRADAUS MD et al	
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	GR	Springer-Verlag, Berlin-Germany, copyright 1991, 784-786pp, "Halbleiter-Schaltungstechnik", by U. TIETZE and Ch. SCHENK Comments on Relevance: ISR PCT/IB03/04454	Y
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